

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:20-cv-00113-MR**

<b>MASON WHITE HYDE-EL,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>ROGER VARGAS,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the Court on Plaintiff’s Motion to Compel Discovery [Doc. 22] and Plaintiff’s “Motion to Extend Discovery” [Doc. 21].

On June 23, 2020, Plaintiff’s Complaint, filed pursuant to 42 U.S.C. § 1983, survived initial review in accordance with the Court’s Order. [Doc. 11]. On September 8, 2020, the Court entered its scheduling order, setting January 6, 2020 as the deadline to complete discovery. [Doc. 19]. Plaintiff now moves the Court to “compel defendant Roger Vargas to comply with Plaintiff’s discovery request.” [Doc. 22]. Plaintiff states that he served Defendant Vargas “a Copy ‘request for Interrogatories’ and ‘request for Production of documents’” and that Defendant failed to respond within 30 days of Plaintiff’s discovery request(s). [Id.]. Plaintiff, however, failed to include copies of these discovery requests with his motion to compel.

Plaintiff also asks the Court to extend the discovery deadline because “[d]ue to Defendant’s Non-Compliance with Plaintiff’s discovery request, Plaintiff will be unable to complete discovery and evidence by the discovery deadline.” [Doc. 21 at 1].

In response to Plaintiff’s motion to compel, Defendant filed a response, objecting to Plaintiff’s motion on the ground that neither counsel nor Defendant had received any discovery requests from Plaintiff in this matter. [Doc. 23]. Defendant also advised that he would promptly respond to any discovery requests from Plaintiff “when and if they are ever served/received.” [Id.].

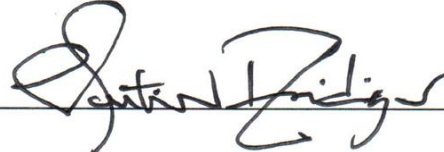
Because Plaintiff failed to file a copy of the allegedly unanswered discovery requests and because Defendant avers that he never received any such request(s), the Court will deny Plaintiff’s motions without prejudice. Plaintiff has failed to properly support either motion before the Court. Plaintiff may file a properly supported motion to compel, including copies of any disputed discovery requests and any allegedly insufficient responses by Defendants, and/or a motion for extension of the discovery deadline, if necessary.

**ORDER**

**IT IS, THEREFORE, ORDERED** that Plaintiff's motions [Docs. 21, 22] are **DENIED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

Signed: December 9, 2020

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger  
Chief United States District Judge

